

ORDINANCE NO. 8767

AN ORDINANCE AMENDING CHAPTER 27, "OFFENSES - MISCELLANEOUS", OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (1964), AS AMENDED, BY AMENDING SECTION 27-18 (b) THEREOF TO PROVIDE A DEFENSE TO PROSECUTION THEREUNDER; PROVIDING THAT THE PROVISIONS THEREOF SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; DIRECTING PUBLICATION OF THE CAPTION, PENALTY CLAUSE AND EFFECTIVE DATE AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Chapter 27, "Offenses - Miscellaneous," of the Code of the City of Fort Worth, Texas (1964), as amended, be and the same is hereby amended by amending Section 27-18(b) thereof so that the said subsection shall be and hereafter read as follows:

"Section 27-18. Noise

* * *

"(b) Loudspeakers and amplifiers. The use of any stationary loud-speaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loud-speaker or amplifier operated on any week day between the hours of 10:30 P.M. and 7:00 A.M., or at any time on Sunday; provided, however, that it shall be a defense to prosecution under this subsection for operating said loud-speakers and amplifiers at such hours on week days or on Sunday that the same were operated at a public event on property owned by the City and advance permission for such operation was obtained from the Park and Recreation Director of the City.

* * *"

SECTION 2.

That this ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1964),

SECTION 3.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Section 27-18 of the Code of the City of Fort Worth, Texas (1964), as amended, and of any other ordinances affecting noise regulation which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under said Chapter or other ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

That it is hereby declared to be the intention of the City Council of the City of Fort Worth, Texas, that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any section, paragraph, sentence, clause or phrase shall be declared void, ineffective or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance since same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each day or portion

SECTION 6.

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for five (5) days in the official newspaper of the City of Fort Worth, Texas.

SECTION 7.

That this ordinance shall be in full force and effect from and after the date of its passage and publication, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: _____

ADOPTED: 3-29-83

EFFECTIVE: _____

City of Fort Worth, Texas

Mayor and Council Communication

TRANSPORTATION/PUBLIC WORKS

LAW-1

DATE 3/29/83	REFERENCE NUMBER **G- 5580	SUBJECT Noise Ordinance Amendment	PAGE 1 of 1
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On March 15, 1983 (M&C C-6808), the City Council authorized an ordinance amending Section 27-18 of the Code of the City of Fort Worth, commonly known as the noise ordinance. That ordinance is attached hereto for adoption. It would permit the use of sound amplification equipment on Sundays and after 10 30 p.m. when approved in writing by the Park and Recreation Director for public events held on property owned by the City.

Recommendation

It is recommended that the City Council adopt the attached ordinance amending Section 27-18 of the Code of the City of Fort Worth (1964), as revised, to allow the use of stationary loudspeakers and amplifiers between the hours of 10 30 p.m. and on Sunday, when used in approved public events and the written permission of the Park and Recreation Director is obtained in advance.

DAI kc

Attachment

APPROVED BY
CITY COUNCIL

MAR 29 1983

Ruth D. Alexander

City Secretary of the
City of Fort Worth, Texas

SUBMITTED FOR THE CITY MANAGER'S OFFICE BY <i>David A. Ivory</i>	DISPOSITION BY COUNCIL. <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY
ORIGINATING DEPARTMENT HEAD Wade Adkins		CITY SECRETARY
FOR ADDITIONAL INFORMATION CONTACT David Yett Ext 7618	ADOPTED ORDINANCE NO. 8767 DATE	